



William A. Delgado
wdelgado@dtolaw.com

December 10, 2022

VIA ECF

Hon. Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Re: ***Heather Caputo v. Goli Nutrition Inc. and Better Nutritionals LLC***
No. 1:22-cv-07723

Dear Judge Abrams:

DTO Law represents Defendant Goli Nutrition Inc. (“Goli”) in this matter. We write jointly with Plaintiff’s counsel¹ pursuant to the Court’s Individual Rule 1(D) to request:

- (1) a fourteen (14) day extension of Goli’s time to file a responsive pleading, from December 14, 2022 to December 28, 2022 (to which Plaintiff has agreed); and
- (2) a corresponding fourteen (14) day adjournment of the dates set in the Court’s Order and Notice of Initial Conference (Dkt. No. 6) for: (i) the parties’ filing of a joint letter, together with a proposed case management plan and scheduling order, from December 12, 2022 to December 26, 2022; and (ii) the parties’ initial status conference, from December 15, 2022 to December 29, 2022.

Since our last letter of November 9, 2022, the parties have been engaged in negotiations regarding a resolution of this matter. Substantial progress has been made during that time, and the parties wish to continue to focus on negotiations

¹ Defendant Better Nutritionals LLC has not yet appeared or filed a responsive pleading in this action.

Hon. Ronnie Abrams
December 10, 2022
Page 2

rather than litigation during the next two weeks in an effort to resolve this matter before year end.

This is the second request by Plaintiff and Goli for an adjournment or extension of time, but we can assure the Court it will be the last request with respect to the foregoing deadlines. We thank the Court for its consideration of this matter.

Respectfully,

/s/ William A. Delgado

William A. Delgado
Attorneys for Defendant
GOLI NUTRITION INC.

*/s/ Daniel Markowitz**

Daniel Markowitz
Attorneys for Plaintiff
HEATHER CAPUTO and THE PUTATIVE CLASS

*by authorization

Application granted. The initial pretrial conference is adjourned to January 6, 2023 at 2:00 p.m.; Call-In Number: (888) 363-4749; Access Code: 1015508#. The parties shall submit a joint letter and proposed case management plan one week prior to the conference.

SO ORDERED.



Hon. Ronnie Abrams
United States District Judge
12/12/2022